

SCOTTSDALE

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CITY COUNCIL MEETING

AMENDED AGENDA (REGULAR AGENDA: ITEM 15 REWORDED)

COUNCIL

Mary Manross, Mayor

Betty Drake

Wayne Ecton

W.J. "Jim" Lane

Robert W. Littlefield

Ron McCullagh

Kevin J. Osterman

Tuesday, February 7, 2006

5:00 P.M.

CITY COUNCIL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Roll Call

Pledge of Allegiance

Invocation

Presentations/Information Updates

Public Comment

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "public comment." This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

Minutes

SPECIAL MEETINGS

[Tuesday, January 10, 2006](#)

[Tuesday, January 24, 2006](#)

REGULAR MEETINGS

[Tuesday, January 10, 2006](#)

WORK STUDY SESSIONS EXECUTIVE SESSIONS

How the Consent Agenda Works: The Council may take one vote to act on all items on the Consent Agenda, or may remove items for further discussion. Every interested citizen will have one opportunity to speak on any or all Consent Agenda items. If you wish to speak on these items, please complete a Comment Card for each topic you wish to address. **You will be given at least three minutes to speak on all the Consent Agenda items you wish to address. Additional time for multiple agenda items will be at the Mayor's discretion.**

After all speakers have finished, the City Council will decide which items to remove for additional discussion and/or presentation from staff. Items not removed from the Consent Agenda will be considered in one motion. Items removed for clarification or discussion by the Council will be acted on as appropriate.

1. **[Sauce Pizza & Wine \(Restaurant\) Liquor License](#)**

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license at a new location.

Location: 7135 E. Camelback Road, Suite 160

Reference: 83-LL-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

2. **[Resort Suites of Scottsdale \(Bar\) Liquor License](#)**

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 6 (bar) liquor license.

Location: 7677 E. Princess Boulevard

Reference: 85-LL-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

3. **[Parking Program Text Amendment](#)**

Requests:

1. Approve a Text Amendment to the City of Scottsdale Zoning Ordinance (Ordinance No. 455) to amend Article IX, Parking and Loading Requirements; Section 9.103, Parking Requirements; Table 9.2, Schedule of Parking Requirements; and Section 9.108, Special parking requirements in districts; Subsection C.2, Downtown Overlay district (parking in-lieu only) and Downtown districts, Parking in-lieu payments.
2. Adopt Ordinance No. 3662 affirming the Text Amendment.
3. Reaffirm the fee set for purchasing in-lieu parking spaces.

Location: Citywide

Reference: 4-TA-2004

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; John Little, Executive Director – the Downtown Group, 480-312-2539, jlittle@scottsdaleaz.gov

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4. [APS Cricket Hayden Conditional Use Permit](#)

Requests:

1. Approve a conditional use permit for a co-location of a wireless communication facility on an existing tower within the planned McDowell Sonoran Preserve boundary located near 8008 E. Jomax Drive with Single Family Residential District Environmentally Sensitive Lands, Foothills Overlay (R1-190 ESL FO) zoning.
2. Adopt Resolution No. 6829 affirming the conditional use permit.

Location: North of Jomax Drive near the intersection of Jomax and Hayden roads

Reference: 23-UP-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

5. [Camelot Therapeutic Horsemanship, Inc. Hardship Exemption Waiver](#)

Request: Approve a waiver from the Foothills Overlay standards to cover an existing equestrian arena on a 14.26 +/- acre parcel located at 6250 E. Jomax Road with Single Family Residential District, Environmentally Sensitive Lands, Foothills Overlay (R1-43 ESL FO) zoning.

Location: 6250 E. Jomax Road

Reference: 7-HE-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

6. [Mayo Clinic Rezoning](#)

Requests:

1. Approve rezoning from Commercial Office, Environmentally Sensitive Lands Overlay, Hillside District {C-O ESL (HD)} and Single Family Residential, Environmentally Sensitive Lands (R1-43 ESL) to Commercial Office, Special Campus Overlay, Environmentally Sensitive Lands Overlay, Hillside District, {C-O SC ESL (HD)} on an approximately 173.5 (+/-) acre parcel and to Commercial Office, Special Campus Overlay, Environmentally Sensitive Lands Overlay, (C-O SC ESL) on approximately an 10 (+/-) acre parcel. The entire 183-acre site is located at the northeast corner of 130th Street and E. Shea Boulevard.
2. Adopt Ordinance No. 3664 affirming the rezoning.
3. Adopt Resolution No. 6828 declaring the “Mayo Clinic Scottsdale Development Plan” as a public record.

Location: 13400 E. Shea Boulevard

Reference: 39-ZN-1992#4

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

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7. **Professional Services Contract for Relocation Assistance Services**

Request: Adopt Resolution No. 6822 authorizing Professional Services Contract No. 2006-006-COS with O.R. Colan Associates, LLC, to provide relocation assistance services to people and businesses displaced by acquisition of real property as prescribed by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, PL 91-646.

Related Policies, References: On April 15, 1991, the City Council adopted Resolution No. 3386, which declared the City would provide relocation assistance benefits required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) to all residential and business entities displaced as a result of City of Scottsdale projects.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov

8. **Engineering Services for Design of Scottsdale Road South Drainage Corridor Improvements**

Request: Authorize Engineering Services Contract No. 2006-001-COS with AMEC Infrastructure, Inc., in the amount of \$294,755 for the design of the Scottsdale Road South Drainage Corridor Improvements.

Related Policies, References:

- The adopted FY 2005/2006 CIP includes funding for the planning, design and construction of South Scottsdale Road Drainage Corridor improvements.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov

9. **One-year Extension of Two Traffic-Engineering Services Contracts**

Request: Adopt Resolution No. 6817 authorizing the fourth annual extension of the following five-year contracts: No. 2001-155-COS with Parsons Brinckerhoff, and No. 2001-156-COS with United Civil Group. These firms provide traffic-engineering services to the City under the Traffic Impact and Mitigation Analysis (TIMA) Program.

Related Policies, References:

- Resolution No. 5953 established the original contracts
- City Procurement Code

Staff Contact(s): Mary O'Connor, Transportation General Manager, 480-312-2334, moconnor@scottsdaleaz.gov

10. **Retiree Medical Leave Conversion Program – Adjustments**

Request: Authorize adjustments for 30 retirees to remedy and settle taxation and compensation issues related to the Medical Leave Conversion Program (MLC).

Related Policies, References: City Code Chapter 14-83(g) and (i) – relating to medical leave payoff at retirement; Audit No. 0512 - "Medical Leave Payoff or Conversion Report."

Staff Contact(s): Neal Shearer, Assistant City Manager, 480-312-2604, nshearer@scottsdaleaz.gov; Craig Clifford, Chief Financial Officer, 480-312-2364, cclifford@scottsdaleaz.gov

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11. [Capital Transfer Requests for the Witzeman Public Safety Building](#)

Request: Consider the following transfers for the Witzeman Public Safety Building at 8401 E. Indian School Road:

- Authorize the transfer of \$154,000 from Capital Project 402-B0503 (Via Linda Expansion) to Capital Project 402-M0606 (Alternate computing site).
- Authorize the transfer of \$114,000 from Capital Project 402-B0503 (Via Linda Expansion) to Capital Project 402-B0512 (Police/Fire Admin. Building).
- Close Capital Project 402-B0503 (Via Linda Expansion).

Staff Contact(s): William L. McDonald, Fire Chief, 480-312-1880, wmcdonald@scottsdaleaz.gov; Alan G. Rodbell, Police Chief, 480-312-5310, arodbell@scottsdaleaz.gov

12. [Ambulance Dispatching Agreements](#)

1. Adopt Resolution No. 6833, authorizing the Mayor to sign an amendment to Agreement No. 2004-138-COS with the City of Phoenix, which allows the City of Scottsdale to enter into an ambulance dispatching agreement.
2. Adopt Resolution No. 6832, authorizing the City Manager to sign Ambulance Dispatch Agreement No. 2006-013-COS, to provide for the dispatch of Scottsdale PMT ambulances by the Phoenix Fire Regional Dispatch System.

Staff Contact(s): William L. McDonald, Fire Chief, 480-312-1880, wmcdonald@scottsdaleaz.gov

13. [City Sponsorship of the 2006 Maccabi Games](#)

Request: Adopt Resolution No. 6841 approving City sponsorship of the 2006 JCC Maccabi Games, an Olympic-style sporting competition for Jewish teenagers to be held at various City facilities August 6-11, 2006, and approving waiver of fees totaling \$10,127.

Related Policies, References: City of Scottsdale/Community Services Sponsorship Policy.

Staff Contact(s): Debra Baird, Community Services General Manager, 480-312-2480, dbaird@scottsdaleaz.gov

Regular Agenda begins on the following page

How the Regular Agenda Works: The Council takes a separate action on each item on the Regular Agenda. If you wish to address the Council regarding any or all of the items on the Regular Agenda, please complete a Comment Card for each topic you wish to address and submit it to the City Clerk. **You will be given at least three minutes to speak per item. Comment cards must be submitted before public testimony has begun on any regular agenda or public hearing item.**

14. [Mescal Park Equestrian Arena Lighting Municipal Use Master Site Plan Modification](#)

Requests:

1. Consider modification to the Municipal Use Master Site Plan for Mescal Park to allow the equestrian arena to be lighted with typical outdoor arena lighting poles and fixtures. Mescal Park is located at 11015 N. 68th Place with Open Space zoning.
2. Adopt Resolution No. 6830 affirming the modification to the Municipal Use Master Site Plan.

Location: 11015 N. 68th Place

Reference: 48-UP-1986#2

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Debra Baird, Community Services General Manager, 480-312-2480, dbaird@scottsdaleaz.gov

*****15. [Sonrise Community Church v. City of Scottsdale, et. al. Defense and Indemnification of the Mayor and City Council](#)**

Request: Consider adopting the following resolutions relating to the lawsuit *Sonrise Community Church, et al v. City of Scottsdale, et. al*, Cause Number CV 05-03614, pending in United States District Court, District of Arizona:

- Resolution No. 6834 authorizing the City to pay for the defense and indemnification of Mayor Mary Manross
- Resolution No. 6835 authorizing the City to pay for the defense and indemnification*** of City Councilman Wayne Ecton
- Resolution No. 6836 authorizing the City to pay for the defense and indemnification*** of City Council member Betty Drake
- Resolution No. 6837 authorizing the City to pay for the defense and indemnification*** of City Councilman Robert Littlefield
- Resolution No. 6838 authorizing the City to pay for the defense and indemnification*** of City Councilman W. J. "Jim" Lane
- Resolution No. 6839 authorizing the City to pay for the defense and indemnification*** of City Councilman Ron McCullagh
- Resolution No. 6840 authorizing the City to pay for the defense and indemnification*** of City Councilman Kevin J. Osterman

Related Policies, References: Scottsdale Revised Code § 2-179 requires that, in order for the City to defend and indemnify current or former Mayor, Council Members, or charter officers when a claim or lawsuit is brought against them individually, the Council must vote to approve the defense and indemnification. The current Mayor and City Council have been named as individual defendants in the lawsuit and request that the Council vote to approve their defense and indemnification.

Staff Contact(s): Deborah Robberson, City Attorney, 480-312-2405, Craig Clifford, Financial Services General Manager, 480-312-2364, cclifford@scottsdaleaz.gov

Public Comment

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City Manager's Report

Mayor and Council Items 16 – 17

16. [Citizens' Petitions Regarding Sexually Oriented Business \(SOB\) Ordinance Election Date and Requesting Formation of City Council Subcommittee](#)

Requests: Consideration of two citizens' petitions that were presented to City Council at the January 24, 2006 City Council meeting. The signers petitioned the Council to: 1) place the updated SOB Ordinance on the May 16, 2006 election ballot; and 2) form a Council Subcommittee, consisting of three Council Members who are not running for re-election, to negotiate with the affected business owners and/or their representatives to achieve a workable ordinance that will allow the continued operation of the 30-year old businesses.

17. [Legislative Update](#)

Update: Provide update to the City Council and receive possible direction regarding current and pending State legislative issues and policies.

Related Policies: Pursuant to the 2006 state legislative agenda adopted by the City Council on December 13, 2005

Staff Contact(s): Bridget Schwartz-Manock, Intergovernmental Relations Director, bschwartzmanock@scottsdaleaz.gov, 480-312-2423; Neal Shearer, Assistant City Manager, nshearer@scottsdaleaz.gov, 480-312-2604.

Adjournment